G.R.S. IX—5]

Previous references

272 - 21 Pt. 1-4

1922.

~~Accounts~~ Inwards

File No. 346-22

Serial Nos. 1 to 2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for Feby 23

SUBJECT

Restoration of S-No 134. of Hoskote Village as inam for the ~~use~~ benefit of Budan Sha the Fakeer at Hoskote.

To The Assistant Excise ~~Collector~~ Contractor Hoskote

No 23738 26-2-23

Informs that there are no grounds to reconsider the order already passed

Printed on the Multigraph.

GENERAL AND REVENUE SECRETARIAT.

(Inwd.)

NOTES.

File No. 846-22

FILE HEADING.

Restoration of S. no. 134 of Hoskote Village, as inam for the benefit of Budan Shamakan at Hoskote.

From

Munisamappa, Excise Contractor, Hoskote.

No. Petition Dated Received 25. 1. 23.

Diary No.	Enclos.	Spare Copies.	Serial No.
1496	2		1

BRIEF ABSTRACT OF LETTER.

Prays that on a re-consideration of Govt. Pro. no. 4803-6 Dy 4-3-1922, after full assessment is levied on the land, the Patta may be ordered to be transferred to the name of the petr.

NOTES AND ORDERS.

The petition is duly stamped. The order sought to be reviewed is dated 4th March 22 while the petition is dated 23rd Jany 1923. It is barred by time. Before admitting the review-application, may the petr

G. R. S. III-2

General and Revenue Secretariat. | File No. of 19 .

Serial No.

be asked to assign reasons for delay in filing it.?

Submitted for orders.

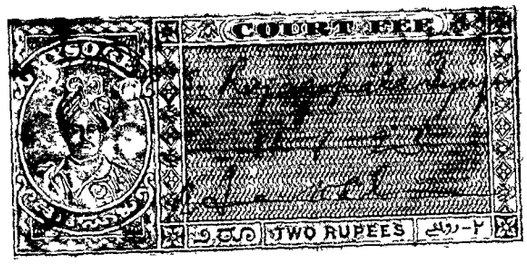
It is not for him to ask for reasons. It is for him to give reasons if he has any for the delay. Even if he has not given any. The application for review was time barred. It should not have been presented by Syed Ahmed.

But the Crown is an alien from Afghanistan and thus may be treated as an independent power. He contends that the Imam is not dependent and that it is not liable to be removed from his throne, as he is a sovereign independent for valuable consideration and that rules of the Civil P. Code

NOTE—Contn. sheet.

Reg 107

Newspt



1496

22—23.

Before

The Government of

His Highness the Maharaja of Mysore,

Bangalore.

Petitioner:

Munisanappa, Excise Contractor, Hoskote.

Appeal against the order of the Muz. Secretary. No. 4803-6 ~~Muz. 372-21.4~~

1. That the Survey No. 134, of Hoskote Village, was in the possession and enjoyment of Fatima Uniffa Begum, the daughter of one Saheb Alli who sold it, about 1897, for family necessity, to one Habibullah who was in possession and enjoyment till 1917, - when he died leaving behind him his father Syed Ahmed as his sole surviving heir.
2. The said Syed Ahmed applied the Jamabandi Officer under Sec. 70, to transfer the patta to his name. As the Deputy Commissioner, found that the land was not inserted in the Quit-rent Register as it ought to be if it were an Inam, recomended that it should be removed from Khalsat list and full tax imposed and sent the papers to the Inam Commissioner.
3. The Inam Superintendant said that if No. 134 is in possession and enjoyment of Budan Sha Makan it - should be confirmed to the Makan itself and refered the matter back to the Deputy Commssioner to find out who was in possession of the land and whether they were performing the Urs etc. The Deputy Com-

missioner after making the necessary enquiries said that the land was not in possession and enjoyment of Buden Sha Makan and that it was not Devadaya and that none were performing Urs etc., and that Syed Ahmed was enjoying it.

4. On reference the Muzrai Secretary seems to be of opinion that the land was in possession of the Makan till 1902 and as such it was a Devad-ya Inam and - it should be transferred from Habibullah to Khadir of Makan and under the rules and that the holders thereof should do Urs Fateha etc. Order of the Muzrai Secretary is herewith annexed.

5. That the petitioner begs to submit that the land - question is not a Devadaya Inam and that it was not in possession of the Makan till 1902 as opined by the Muzrai Secretary and that Habibullah did not obtain the land by right of succession from Fatima - Uniffa but by private sale under Registerred Karar and that the present petitioner purchased the land for Rs. 250/- under a registerred deed in 1920 and has since then been in possession and enjoyment of it. This land should be confirmed to the holder - and not ordered to be resumed.

6. That the petitioner has bought the land for valuable consideration in ignorence of its charecter and if Government still holds that the land to be Devaraya, the petitioner respectfully begs to submit - that, under note (i) para 241, (Vol. 1 Rev. Manual) the communities interested in the Muzrai Institutions or the alienor may be ordered to make good to

to the alienee petitioner, consideration paid by him and reasonable compensations for the improvements - done by him.

7. The petitioner further begs to state that as the - Institution, to which the land is said to belong, is not of general public nature, the land alienated to be resumed and brought under full assessment as - found by the Deputy Commissioner.

8. The petitioner begs to submit that the incidents of Devadaya are not at all found in the land in question, such as entry in Devadaya list and in Quit-rent Register; and that Services like Urs. Fateha, etc., are not performed since a long time.

9. For the foregoing reasons the petitioner prays that after full assessment is levied on the land the - Patta may be ordered to be transferred to the name of the petitioner.

Balapet, Bangalore City.
Dated 30th. October'28.

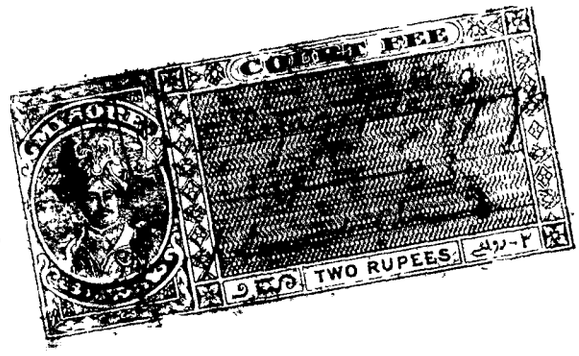
Advocate.

23/11/28

Enclosures:

i. Order of the Muzrai Secretary.

ii. Vakalat.



ಬೆಂಗಳೂರು H. M. Manager ಕೋರ್ಟಿಗೆ.

ಸನ್ 1922–1923 ನೇ ಇಸವಿ Mis ಮೊಕದ್ದಮೆ ನಂಬರ್.

~~ಹಾಜಿ~~ ಅರ್ಜಿದಾರ್ ಪ್ರತಿವಾದಿ ಎದುರಾಳಿ

ಕರ್ನಾಟಕ ಲಾನಿ ಕಾರ್ಖಾನೆ ಲಿಮಿಟೆಡ್

Vs

ಮೆ|| ರಾ|| ಅಡ್ವೊಕೇಟ್ಸ್ ಎಸ್ ರಾಜಗೋಪಾಲಯ್ಯಂಗಾರ್, ಬಿ.ಎ., ಬಿ.ಎ.,ಲ್ ಮತ್ತು
ಸಿ. ~~ಜಕ್ರವರ್ತಿ~~ ಬಿ.ಎ.—ಎಲ್.ಎಲ್.ಬಿ. ಯವರುಗಳಿಗೆ ~~ಕ್ಕ~~ ಕೊಟ್ಟ ವಕಾಲತ್

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಮ್ಮ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ ನಮ್ಮ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಅರ್ಜಿಗಳನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರೀ ಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗೆ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತಾವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದ್ದೇವೆ. ಈ ಆಧಾರದಮೇಲೆ ತಾವಾಗಲಿ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳಲ್ಲಿ ನಾವು ಖುದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿದ್ದೇನೆ.

ತಾ||

ರುಜು

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಕೊಟ್ಟವರು
ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

Accepted

Advocate

23/11/22

THE SEARCHLIGHT PRESS, B. City.

ಮೈ TWE ಭಾಮೈ F

Proceedings of the Government of H.H.
the Maharaja of Mysore.

Read –

Letter No. P. 1400 Dated 24th November 1921 from the Deputy Commissioner, Bangalore District, recommending for reasons stated, the leasing out permanently to Syed Ahmed, of inam S. No. 134 endowed to Budan Sha Makkhan at Hoskote, the Kandayam being payable to the institution.

Letter No. 173 Dated 8th February 1922 from the Superintendent of Revenue Survey and Inam Settlements in Mysore Submitting a ~~copy of the Inam Register~~ pertaining to the inam lands of the said Makkhan.

Order No. 4803-6
Muz. 372-21-4

Dated Bangalore, the 4th March 1922.

The Makkhan in Hoskote called the Budan Sha Makkhan is a Muzrai institution which at the inam Settlement conducted in 1874 was found to be in the enjoyment of not only what it was entitled to, but also of some additional land in excess. The former portion (consisting of old dry Nos 417 and 49 corresponding to Survey No. 316) was confirmed as inam, while the latter portion viz., S. No. 134 was treated as excess and subjected to the payment of

Rals 6-

Kalsat. But under Government Order No. R. 2973-83 Dated 9th January 1902, the kalsat assessment due on such excess lands, as were actually in the enjoyment of Muzrai Institutions was ordered to be written off the accounts and its levy foregone thereafter, the excess lands themselves being treated as part and parcel of the original grant.

2. At the time of the Inam Settlement in 1874, the inam was in the enjoyment of Saheb Alli, the Manager of the institution. Subsequent to his death, his daughter Bata Nunnisa Begum, seems to have sold S.No 134 to Habibulla Son of her paternal uncle's son. And the Patta of the land also appears to have been transferred to the name of Habibulla.

3. Syed Ahmed contends that he made the purchase in the name of his son Habibulla who is now dead, and prays that the patta may be transferred to his name from that of his son.

4. The Deputy Commissioner recommends that the land may be leased permanently to Syed Ahmed on the condition that he should pay the kandayam to the Makkhan in consideration of the fact that it has been in the possession of his family for a long time. The Inam Superintendent is of opinion that if the land in question is in the possession of the Makkhan; it may be continued as inam to the institution

5. Syed Ahmed was in possession on behalf of the Makkhan in 1874 and since then either he or some other member of his family has been in possession and such possession must be deemed to have been on behalf of the institution.

There can be no doubt therefore that the Makkhan was in possession of the lands on 9th January 1902 even though Habibulla might have obtained a sale deed from Fata Nunnisa Begum in 1897. These lands which are clearly Devadaya will be transferred from the Khata of Habibulla to that of the Makkhan. The permanent lease of these lands proposed by the Deputy Commissioner is forbidden by the Rules and cannot be sanctioned. The lease of the land must be regulated by Government Proceedings No. 2594-602/Mzr. 366-18-2 Dated 25th February 1919 on the subject.

The Deputy Commissioner is requested to submit a suitable scale of expenditure for Jatcha, Irrs etc., in the Makkhan, after ascertaining the exact income from the inam lands S. Nos. 316 and 134 in question.

(Sd.) T. E. Jayarama Aiyar
Secretary to Government
Mewzrai Department.

To.
The Deputy Commr. Bangalore Dist.,
Revng., the enclosures.
The Comptroller to Govt.
The Inam Supdt., in Mysore.
The Mzr. Supdt., in Mysore

"Copy"

Superintendent,
Revenue Sects., (Mzr. Br.

11

Copy applied for by - Mr. S. Rajagopal Iyengar
Advocate.
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Cost of paper - 0-0-6

Total Rs. 1-0-10

Copied by - G. K. Venkata Ramam.
Compared by - [illegible]

Muz 4]

SUBJECT.....

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Diary No. of letter replied to _____

Section Mar

File No. 342-22

Serial No. 2

Muzrai Secretariat

( )

, *the* 192 .

No. 2373

Date of issue 26.2.23

To

Endorsement from

Signed by Mrs. T. E. J. Aijey

to Immusamappa, excise

contractor Hoskote taluk

reference to his petition

dtd. no. 476 dt 23rd June 1923

praying for a re-consideration

of G.O no. L 803-6/Exc 3

342-21-4 dt 4th March 1923

directing the payment

of the Kist [illegible]

of [illegible]

over.

13

as vicam & the name of —

Budan Sha Marcan at the place

The petr is informed that there are no grounds to re-consider the order already passed. The petition is accordingly rejected.

By order

Dy Registrar
24/2/23

Secretary.

Copy to the Insp. Comm 2374
for information. dt 26-2-23

By order.

Dy Registrar
24/2/23

Secretary.

List of enclosures.

Copied by

Examined by

13 bags